

AMENDED IN ASSEMBLY AUGUST 19, 2004

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN SENATE APRIL 15, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL**No. 1546**

Introduced by Senator Figueroa
(Coauthors: Senators Aanestad and Vincent)
(Coauthors: Assembly Members Correa, Nation, and Runner)

February 19, 2004

An act to amend Sections 853, 1601.1, 1616.5, *and 1742 and 4999.2* of, to amend and repeal Sections 1753.5, 1754, and 1756 of, to amend, repeal, and add Sections 1750, 1751, 1752, 1753, and 1770 of, to add Sections 1750.1, 1750.2, 1750.3, 1752.5, 1753.1, and 1777 to, ~~repeal Section 1901 of,~~ and to repeal and add Section 1757 of, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1546, as amended, Figueroa. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint a person exempt from civil service as an executive officer. Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board, authorizing the board to appoint an executive

officer, and establishing the committee are repealed as of January 1, 2006.

This bill would instead make those provisions inoperative on July 1, 2006, and repeal them on January 1, 2007.

Existing law requires the board to license persons meeting specified requirements as various types of dental auxiliaries, and requires the board to enact certain regulations with respect to those licensees. Existing law also describes the functions that those licensees are permitted to perform and imposes specified requirements on them. Existing law prohibits a dentist from utilizing more than 2 dental auxiliaries in extended functions. Under existing law, fees collected in connection with the practice of a dental auxiliary are deposited into the State Dental Auxiliary Fund, which is continuously appropriated.

This bill would, on January 1, 2007, revise the requirements imposed on, and the functions that may be performed by, a dental assistant or a dental assistant in extended functions. The bill would also, on and after January 1, 2007, require the board to license a person who meets specified requirements as a registered dental assistant, registered orthodontic assistant, registered surgery assistant, registered restorative assistant, registered dental assistant in extended functions, or registered restorative assistant in extended functions.

This bill would require the board, *upon recommendation of the committee*, to adopt *implementing* regulations regarding education and training requirements that those licensees and registered dental hygienists are required to meet and procedures they may perform. The bill would also require the board to report periodically to the Joint Committee on Boards, Commissions, and Consumer Protection regarding the regulations imposed on licensees. The bill, on and after January 1, 2007, would authorize a dentist to utilize up to 3 dental auxiliaries in extended functions. The bill would also make other related changes.

Because this bill would increase the *number of licensees paying* licensing fees deposited into the State Dental Auxiliary Fund, a continuously appropriated fund, it would make an appropriation.

Existing law creates the Licensed Physicians and Dentists from Mexico Pilot Program. ~~Dentists from Mexico are required to meet certain requirements in order to participate in the program, including completing an orientation program focusing on the health care system and community clinic operations in California.~~ Under existing law, the program is required to be developed in consultation with

representatives of community clinics, approved dental schools, and the National Autonomous University of Mexico School of Faculty Dentistry. *Existing law requires an evaluation of the program to be undertaken 12 months after the program has commenced and to be conducted jointly by specified entities*

~~This bill would require that the orientation program be taught by an approved foreign dental school. The bill would also change the consultation criteria for the development of the program. The bill would also revise the entities required to be involved in conducting the program evaluation.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 853 of the Business and Professions
2 Code is amended to read:
3 853. (a) The Licensed Physicians and Dentists from Mexico
4 Pilot Program is hereby created. This program shall allow up to 30
5 licensed physicians specializing in family practice, internal
6 medicine, pediatrics, and obstetrics and gynecology, and up to 30
7 licensed dentists from Mexico to practice medicine or dentistry in
8 California for a period not to exceed three years. The program shall
9 also maintain an alternate list of program participants.
10 (b) The Medical Board of California shall issue three-year
11 nonrenewable licenses to practice medicine to licensed Mexican
12 physicians and the Dental Board of California shall issue
13 three-year nonrenewable permits to practice dentistry to licensed
14 Mexican dentists.
15 (c) Physicians from Mexico eligible to participate in this
16 program shall comply with the following:
17 (1) Be licensed, certified or recertified, and in good standing in
18 their medical specialty in Mexico. This certification or
19 recertification shall be performed, as appropriate, by the Consejo
20 Mexicano de Ginecología y Obstetricia, A.C., the Consejo
21 Mexicano de Certificación en Medicina Familiar, A.C., the
22 Consejo Mexicano de Medicina Interna, A.C., or the Consejo
23 Mexicano de Certificación en Pediatría, A.C.
24 (2) Prior to leaving Mexico, each physician shall have
25 completed the following requirements:

1 (A) Passed the board review course with a score equivalent to
2 that registered by United States applicants when passing a board
3 review course for the United States certification examination in
4 each of his or her specialty areas and passed an interview
5 examination developed by the National Autonomous University
6 of Mexico (UNAM) for each specialty area. Family practitioners
7 who shall include obstetrics and gynecology in their practice, shall
8 also be required to have appropriately documented, as specified by
9 United States standards, 50 live births. Mexican obstetricians and
10 gynecologists shall be fellows in good standing of the American
11 College of Obstetricians and Gynecologists.

12 (B) (i) Satisfactorily completed a six-month orientation
13 program that addressed medical protocol, community clinic
14 history and operations, medical administration, hospital
15 operations and protocol, medical ethics, the California medical
16 delivery system, health maintenance organizations and managed
17 care practices, and pharmacology differences. This orientation
18 program shall be approved by the Medical Board of California to
19 ensure that it contains the requisite subject matter and meets
20 appropriate California law and medical standards where
21 applicable.

22 (ii) Additionally, Mexican physicians participating in the
23 program shall be required to be enrolled in adult
24 english-as-a-second-language (ESL) classes that focus on both
25 verbal and written subject matter. Each physician participating in
26 the program shall have transcripts sent to the Medical Board of
27 California from the appropriate Mexican university showing
28 enrollment and satisfactory completion of these classes.

29 (C) Representatives from the National Autonomous University
30 of Mexico (UNAM) in Mexico and a medical school in good
31 standing or a facility conducting an approved medical residency
32 training program in California shall confer to develop a mutually
33 agreed upon distant learning program for the six-month
34 orientation program required pursuant to subparagraph (B).

35 (3) Upon satisfactory completion of the requirements in
36 paragraphs (1) and (2), and after having received their three-year
37 nonrenewable medical license, the Mexican physicians shall be
38 required to obtain continuing education pursuant to Section 2190
39 of the Business and Professions Code. Each physician shall obtain

1 an average of 25 continuing education units per year for a total of
2 75 units for a full three years of program participation.

3 (4) Upon satisfactory completion of the requirements in
4 paragraphs (1) and (2), the applicant shall receive a three-year
5 nonrenewable license to work in nonprofit community health
6 centers and shall also be required to participate in a six-month
7 externship at his or her place of employment. This externship shall
8 be undertaken after the participant has received a license and is
9 able to practice medicine. The externship shall ensure that the
10 participant is complying with the established standards for quality
11 assurance of nonprofit community health centers and medical
12 practices. The externship shall be affiliated with a medical school
13 in good standing in California. Complaints against program
14 participants shall follow the same procedures contained in the
15 Medical Practice Act (Chapter 5 (commencing with Section
16 2000)).

17 (5) After arriving in California, Mexican physicians
18 participating in the program shall be required to be enrolled in
19 adult english-as-a-second-language (ESL) classes at institutions
20 approved by the Bureau of Private Post Secondary and Vocational
21 Education or accredited by the Western Association of Schools
22 and Colleges. These classes shall focus on verbal and written
23 subject matter to assist a physician in obtaining a level of
24 proficiency in English that is commensurate with the level of
25 English spoken at community clinics where he or she will practice.
26 The community clinic employing a physician shall submit
27 documentation confirming approval of an ESL program to the
28 Medical Board of California for verification. Transcripts of
29 satisfactory completion of the ESL classes shall be submitted to
30 the Medical Board of California as proof of compliance with this
31 provision.

32 (6) (A) Nonprofit community health centers employing
33 Mexican physicians in the program shall be required to have
34 medical quality assurance protocols and either be accredited by the
35 Joint Commission on Accreditation of Health Care Organizations
36 or have protocols similar to those required by the Joint
37 Commission on Accreditation of Health Care Organizations.
38 These protocols shall be submitted to the Medical Board of
39 California prior to the hiring of Mexican physicians.

1 (B) In addition, after the program participant successfully
2 completes the six-month externship program, a free standing
3 health care organization that has authority to provide medical
4 quality certification, including, but not limited to, health plans,
5 hospitals, and the Integrated Physician Association, shall be
6 responsible for ensuring and overseeing the compliance of
7 nonprofit community health centers medical quality assurance
8 protocols, conducting site visits when necessary, and developing
9 any additional protocols, surveys, or assessment tools to ensure
10 that quality of care standards through quality assurance protocols
11 are being appropriately followed by physicians participating in the
12 program.

13 (7) Participating hospitals shall have the authority to establish
14 criteria necessary to allow individuals participating in this
15 three-year pilot program to be granted hospital privileges in their
16 facilities.

17 (8) The Medical Board of California shall provide oversight
18 review of both the implementation of this program and the
19 evaluation required pursuant to subdivision (j). The board shall
20 consult with the medical schools applying for funding to
21 implement and evaluate this program, executive and medical
22 directors of nonprofit community health centers wanting to
23 employ program participants, and hospital administrators who
24 will have these participants practicing in their hospital, as it
25 conducts its oversight responsibilities of this program and
26 evaluation. Any funding necessary for the implementation of this
27 program, including the evaluation and oversight functions, shall
28 be secured from nonprofit philanthropic entities. Implementation
29 of this program may not proceed unless appropriate funding is
30 secured from nonprofit philanthropic entities. The Medical Board
31 of California shall report to the Legislature every January during
32 which the program is operational regarding the status of the
33 program and the ability of the program to secure the funding
34 necessary to carry out its required provisions. Notwithstanding
35 Section 11005 of the Government Code, the board may accept
36 funds from nonprofit philanthropic entities. The board shall, upon
37 appropriation in the annual Budget Act, expend funds received
38 from nonprofit philanthropic entities for this program.

(d) (1) Dentists from Mexico eligible to participate in this program shall comply with the following requirements or the requirements contained in paragraph (2):

(A) Be graduates from the National Autonomous University of Mexico School of Faculty Dentistry (Facultad de Odontologia).

(B) Meet all criteria required for licensure in Mexico that is required and being applied by the National Autonomous University of Mexico School of Faculty Dentistry (Facultad de Odontologia), including, but not limited to:

(i) A minimum grade point average.

(ii) A specified English language comprehension and conversational level.

(iii) Passage of a general examination.

(iv) Passage of an oral interview.

(C) Enroll and complete an orientation program that focuses on the following:

(i) Practical issues in pharmacology that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(ii) Practical issues and diagnosis in oral pathology that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(iii) Clinical applications that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(iv) Biomedical sciences that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(v) Clinical history management that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(vi) Special patient care that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(vii) Sedation techniques that shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

(viii) Infection control guidelines which shall be taught by an instructor who is affiliated with a California dental school approved by the Dental Board of California.

1 (ix) Introduction to health care systems in California.

2 (x) Introduction to community clinic operations.

3 (2) (A) Graduate within the three-year period prior to
4 enrollment in the program, from a foreign dental school that has
5 received provisional approval or certification by November of
6 2003 from the Dental Board of California under the Foreign
7 Dental School Approval Program.

8 (B) Enroll and satisfactorily complete an orientation program
9 ~~taught by an approved foreign dental school~~ that focuses on the
10 health care system and community clinic operations in California.

11 (C) Enroll and satisfactorily complete a course taught by an
12 approved foreign dental school on ~~the infection control guidelines~~
13 ~~adopted~~ approved by the Dental Board of California.

14 (3) Upon satisfactory completion to a competency level of the
15 requirements in paragraph (1) or (2), dentists participating in the
16 program shall be eligible to obtain employment in a nonprofit
17 community health center pursuant to subdivision (f) within the
18 structure of an extramural dental program for a period not to
19 exceed three years.

20 (4) Dentists participating in the program shall be required to
21 complete the necessary continuing education units required by the
22 Dental Practice Act (Chapter 4 (commencing with Section 1600)).

23 (5) The program shall accept 30 participating dentists. The
24 program shall also maintain an alternate list of program applicants.
25 If an active program participant leaves the program for any reason,
26 a participating dentist from the alternate list shall be chosen to fill
27 the vacancy. Only active program participants shall be required to
28 complete the orientation program specified in subparagraph (C) of
29 paragraph (1).

30 (6) (A) Additionally, an extramural dental facility may be
31 identified, qualified, and approved by the board as an adjunct to,
32 and an extension of, the clinical and laboratory departments of an
33 approved dental school.

34 (B) As used in this subdivision, “extramural dental facility”
35 includes, but is not limited to, any clinical facility linked to an
36 approved dental school for the purposes of monitoring or
37 overseeing the work of a dentist licensed in Mexico participating
38 in this program and that is employed by an approved dental school
39 for instruction in dentistry that exists outside or beyond the walls,
40 boundaries, or precincts of the primary campus of the approved

1 dental school, and in which dental services are rendered. These
2 facilities shall include nonprofit community health centers.

3 (C) Dental services provided to the public in these facilities
4 shall constitute a part of the dental education program.

5 (D) Approved dental schools shall register extramural dental
6 facilities with the board. This registration shall be accompanied by
7 information supplied by the dental school pertaining to faculty
8 supervision, scope of treatment to be rendered, arrangements for
9 postoperative care, the name and location of the facility, the date
10 operations shall commence at the facility, and a description of the
11 equipment and facilities available. This information shall be
12 supplemented with a copy of the agreement between the approved
13 dental school and the affiliated institution establishing the
14 contractual relationship. Any change in the information initially
15 provided to the board shall be communicated to the board.

16 (7) The program shall also include issues dealing with program
17 operations, and shall be developed in consultation by
18 representatives of community clinics, approved dental schools, or
19 the National Autonomous University of Mexico School of Faculty
20 Dentistry (Facultad de Odontologia).

21 (8) The Dental Board of California shall provide oversight
22 review of the implementation of this program and the evaluation
23 required pursuant to subdivision (j). The dental board shall consult
24 with dental schools in California that have applied for funding to
25 implement and evaluate this program and executive and dental
26 directors of nonprofit community health centers wanting to
27 employ program participants, as it conducts its oversight
28 responsibilities of this program and evaluation. Implementation of
29 this program may not proceed unless appropriate funding is
30 secured from nonprofit philanthropic entities. The Dental Board
31 of California shall report to the Legislature every January during
32 which the program is operational regarding the status of the
33 program and the ability of the program to secure the funding
34 necessary to carry out its required provisions. Notwithstanding
35 Section 11005 of the Government Code, the board may accept
36 funds from nonprofit philanthropic entities.

37 (e) Nonprofit community health centers that employ
38 participants shall be responsible for ensuring that participants are
39 enrolled in local English-language instruction programs and that
40 the participants attain English-language fluency at a level that

1 would allow the participants to serve the English-speaking patient
2 population when necessary and have the literacy level to
3 communicate with appropriate hospital staff when necessary.

4 (f) Physicians and dentists from Mexico having met the
5 applicable requirements set forth in subdivisions (c) and (d) shall
6 be placed in a pool of candidates who are eligible to be recruited
7 for employment by nonprofit community health centers in
8 California, including, but not limited to, those located in the
9 Counties of Ventura, Los Angeles, San Bernardino, Imperial,
10 Monterey, San Benito, Sacramento, San Joaquin, Santa Cruz,
11 Yuba, Orange, Colusa, Glenn, Sutter, Kern, Tulare, Fresno,
12 Stanislaus, San Luis Obispo, and San Diego. The Medical Board
13 of California shall ensure that all Mexican physicians participating
14 in this program have satisfactorily met the requirements set forth
15 in subdivision (c) prior to placement at a nonprofit community
16 health center.

17 (g) Nonprofit community health centers in the counties listed
18 in subdivision (f) shall apply to the Medical Board of California
19 and the Dental Board of California to hire eligible applicants who
20 shall then be required to complete a six-month externship that
21 includes working in the nonprofit community health center and a
22 corresponding hospital. Once enrolled in this externship, and upon
23 payment of the required fees, the Medical Board of California shall
24 issue a three-year nonrenewable license to practice medicine and
25 the Dental Board of California shall issue a three-year
26 nonrenewable dental special permit to practice dentistry. For
27 purposes of this program, the fee for a three-year nonrenewable
28 license to practice medicine shall be nine hundred dollars (\$900)
29 and the fee for a three-year nonrenewable dental permit shall be
30 five hundred forty-eight dollars (\$548). A licensee or
31 permitholder shall practice only in the nonprofit community
32 health center that offered him or her employment and the
33 corresponding hospital. This three-year nonrenewable license or
34 permit shall be deemed to be a license or permit in good standing
35 pursuant to the provisions of this chapter for the purpose of
36 participation and reimbursement in all federal, state, and local
37 health programs, including managed care organizations and health
38 maintenance organizations.

39 (h) The three-year nonrenewable license or permit shall
40 terminate upon notice by certified mail, return receipt requested,

1 to the licensee's or permitholder's address of record, if, in the
2 Medical Board of California or Dental Board of California's sole
3 discretion, it has determined that either:

4 (1) The license or permit was issued by mistake.

5 (2) A complaint has been received by either board against the
6 licensee or permitholder that warrants terminating the license or
7 permit pending an investigation and resolution of the complaint.

8 (i) All applicable employment benefits, salary, and policies
9 provided by nonprofit community health centers to their current
10 employees shall be provided to medical and dental practitioners
11 from Mexico participating in this pilot program. This shall include
12 nonprofit community health centers providing malpractice
13 insurance coverage.

14 (j) Beginning 12 months after this pilot program has
15 commenced, an evaluation of the program shall be undertaken
16 with funds provided from philanthropic foundations. The
17 evaluation shall be conducted jointly by one medical school and
18 one dental school in California and *either* the National
19 Autonomous University of Mexico *or a foreign dental school*
20 *approved by the board*, in consultation with the Medical Board of
21 California and the Dental Board of California. If the evaluation
22 required pursuant to this section does not begin within 15 months
23 after the pilot project has commenced, the evaluation may be
24 performed by an independent consultant selected by the Director
25 of the Department of Consumer Affairs. This evaluation shall
26 include, but not be limited to, the following issues and concerns:

27 (1) Quality of care provided by doctors and dentists licensed
28 under this pilot program.

29 (2) Adaptability of these licensed practitioners to California
30 medical and dental standards.

31 (3) Impact on working and administrative environment in
32 nonprofit community health centers and impact on interpersonal
33 relations with medical licensed counterparts in health centers.

34 (4) Response and approval by patients.

35 (5) Impact on cultural and linguistic services.

36 (6) Increases in medical encounters provided by participating
37 practitioners to limited-English-speaking patient populations and
38 increases in the number of limited-English-speaking patients
39 seeking health care services from nonprofit community health
40 centers.

1 (7) Recommendations on whether the program should be
2 continued, expanded, altered, or terminated.

3 (8) Progress reports on available data listed shall be provided
4 to the Legislature on achievable time intervals beginning the
5 second year of implementation of this pilot program. An interim
6 final report shall be issued three months before termination of this
7 pilot program. A final report shall be submitted to the Legislature
8 at the time of termination of this pilot program on all of the above
9 data. The final report shall reflect and include how other initiatives
10 concerning the development of culturally and linguistically
11 competent medical and dental providers within California and the
12 United States are impacting communities in need of these health
13 care providers.

14 (k) Costs for administering this pilot program shall be secured
15 from philanthropic entities.

16 (l) Program applicants shall be responsible for working with
17 the governments of Mexico and the United States in order to obtain
18 the necessary three-year visa required for program participation.

19 SEC. 2. Section 1601.1 of the Business and Professions Code
20 is amended to read:

21 1601.1. (a) There shall be in the Department of Consumer
22 Affairs the Dental Board of California in which the administration
23 of this chapter is vested. The board shall consist of eight practicing
24 dentists, one registered dental hygienist, one registered dental
25 assistant, and four public members. Of the eight practicing
26 dentists, one shall be a member of a faculty of any California dental
27 college and one shall be a dentist practicing in a nonprofit
28 community clinic. The appointing powers, described in Section
29 1603, may appoint to the board a person who was a member of the
30 prior board. The board shall be organized into standing
31 committees dealing with examinations, enforcement, and other
32 subjects as the board deems appropriate.

33 (b) For purposes of this chapter, any reference in this chapter
34 to the Board of Dental Examiners shall be deemed to refer to the
35 Dental Board of California.

36 (c) The board shall have all authority previously vested in the
37 existing board under this chapter. The board may enforce all
38 disciplinary actions undertaken by the previous board.

39 (d) This section shall become inoperative on July 1, 2006, and,
40 as of January 1, 2007, is repealed, unless a later enacted statute that

1 is enacted before January 1, 2007, deletes or extends the dates on
2 which it becomes inoperative and is repealed. The repeal of this
3 section renders the board subject to the review required by
4 Division 1.2 (commencing with Section 473).

5 SEC. 3. Section 1616.5 of the Business and Professions Code
6 is amended to read:

7 1616.5. (a) The board, by and with the approval of the
8 director, may appoint a person exempt from civil service who shall
9 be designated as an executive officer and who shall exercise the
10 powers and perform the duties delegated by the board and vested
11 in him or her by this chapter.

12 (b) This section shall become inoperative on July 1, 2006, and,
13 as of January 1, 2007, is repealed, unless a later enacted statute that
14 is enacted before January 1, 2007, deletes or extends the dates on
15 which it becomes inoperative and is repealed.

16 SEC. 4. Section 1742 of the Business and Professions Code
17 is amended to read:

18 1742. (a) There is within the jurisdiction of the board a
19 Committee on Dental Auxiliaries.

20 (b) The Committee on Dental Auxiliaries shall have the
21 following areas of responsibility and duties:

22 (1) The committee shall have the following duties and
23 authority related to education programs and curriculum:

24 (A) Shall evaluate all dental auxiliary programs applying for
25 board approval in accordance with board rules governing the
26 programs.

27 (B) May appoint board members to any evaluation committee.
28 Board members so appointed shall not make a final decision on the
29 issue of program or course approval.

30 (C) Shall report and make recommendations to the board as to
31 whether a program or course qualifies for approval. The board
32 retains the final authority to grant or deny approval to a program
33 or course.

34 (D) Shall review and document any alleged deficiencies that
35 might warrant board action to withdraw or revoke approval of a
36 program or course, at the request of the board.

37 (E) May review and document any alleged deficiencies that
38 might warrant board action to withdraw or revoke approval of a
39 program or course, at its own initiation.

(2) The committee shall have the following duties and authority related to applications:

(A) Shall review and evaluate all applications for licensure in the various dental auxiliary categories to ascertain whether a candidate meets the appropriate licensing requirements specified by statute and board regulations.

(B) Shall maintain application records, cashier application fees, and perform any other ministerial tasks as are incidental to the application process.

(C) May delegate any or all of the functions in this paragraph to its staff.

(D) Shall issue auxiliary licenses in all cases, except where there is a question as to a licensing requirement. The board retains final authority to interpret any licensing requirement. If a question arises in the area of interpreting any licensing requirement, it shall be presented by the committee to the board for resolution.

(3) The committee shall have the following duties and authority regarding examinations:

(A) Shall advise the board as to the type of license examination it deems appropriate for the various dental auxiliary license categories.

(B) Shall, at the direction of the board, develop or cause to be developed, administer, or both, examinations in accordance with the board's instructions and periodically report to the board on the progress of those examinations. The following shall apply to the examination procedure:

(i) The examination shall be submitted to the board for its approval prior to its initial administration.

(ii) Once an examination has been approved by the board, no further approval is required unless a major modification is made to the examination.

(iii) The committee shall report to the board on the results of each examination and shall, where appropriate, recommend pass points.

(iv) The board shall set pass points for all dental auxiliary licensing examinations.

(C) May appoint board members to any examination committee established pursuant to subparagraph (B).

(4) The committee shall periodically report and make recommendations to the board concerning the level of fees for

1 dental auxiliaries and the need for any legislative fee increase.
2 However, the board retains final authority to set all fees.

3 (5) The committee shall be responsible for all aspects of the
4 license renewal process, which shall be accomplished in
5 accordance with this chapter and board regulations. The
6 committee may delegate any or all of its functions under this
7 paragraph to its staff.

8 (6) The committee shall have no authority with respect to the
9 approval of continuing education providers; the board retains all
10 of this authority.

11 (7) The committee shall advise the board as to appropriate
12 standards of conduct for auxiliaries, the proper ordering of
13 enforcement priorities, and any other enforcement-related matters
14 that the board may, in the future, delegate to the committee. The
15 board shall retain all authority with respect to the enforcement
16 actions, including, but not limited to, complaint resolution,
17 investigation, and disciplinary action against auxiliaries.

18 (8) The committee shall have the following duties regarding
19 regulations:

20 (A) To review and evaluate all suggestions or requests for
21 regulatory changes related to dental auxiliaries.

22 (B) To report and make recommendations to the board, after
23 consultation with departmental legal counsel and the board's
24 executive officer.

25 (C) To include in any report regarding a proposed regulatory
26 change, at a minimum, the specific language of the proposed
27 changes and the reasons for and facts supporting the need for the
28 change. The board has the final rulemaking authority.

29 (c) This section shall become inoperative on July 1, 2006, and,
30 as of January 1, 2007, is repealed, unless a later enacted statute
31 which becomes effective on or before January 1, 2007, deletes or
32 extends the dates on which it becomes inoperative and is repealed.
33 The repeal of this section renders the committee subject to the
34 review required by Division 1.2 (commencing with Section 473).

35 SEC. 5. Section 1750 of the Business and Professions Code
36 is amended to read:

37 1750. (a) A dental assistant is a person who may perform
38 basic supportive dental procedures as authorized by this article
39 under the supervision of a licensed dentist and who may perform
40 basic supportive procedures as authorized pursuant to subdivision

1 (b) of Section 1751 under the supervision of a registered dental
2 hygienist in alternative practice.

3 (b) This section shall become inoperative on December 31,
4 2006, and, as of January 1, 2007, is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2007, deletes or extends
6 the dates on which it becomes inoperative and is repealed.

7 SEC. 6. Section 1750 is added to the Business and Professions
8 Code, to read:

9 1750. (a) A dental assistant is an individual who, without a
10 license, may perform basic supportive dental procedures, as
11 authorized by this article and by regulations adopted by the board,
12 under the supervision of a licensed dentist. "Basic supportive
13 dental procedures" are those procedures that have technically
14 elementary characteristics, are completely reversible, and are
15 unlikely to precipitate potentially hazardous conditions for the
16 patient being treated. These basic supportive dental procedures
17 may be performed under general supervision. These basic
18 supportive dental procedures do not include those procedures
19 authorized in Section 1750.3 or Section 1753.1, or by the board
20 pursuant to Section 1751 for registered assistants.

21 (b) The supervising licensed dentist shall be responsible for
22 determining the competency of the dental assistant to perform the
23 basic supportive dental procedures authorized pursuant to
24 subdivision (a).

25 (c) The supervising licensed dentist shall be responsible for
26 assuring that each dental assistant, registered orthodontic
27 assistant, registered surgery assistant, registered restorative
28 assistant, registered restorative assistant in extended functions,
29 registered dental assistant, and registered dental assistant in
30 extended functions, who is in his or her continuous employ for 120
31 days or more, has completed both of the following within a year
32 of the date of employment:

33 (1) Board-approved courses in infection control and California
34 law.

35 (2) A course in basic life support offered by the American Red
36 Cross, the American Heart Association, or any other course
37 approved by the board as equivalent.

38 (d) Prior to operating radiographic equipment or applying for
39 licensure as a registered dental assistant under Section 1752.5, an

1 auxiliary described in subdivision (c) shall successfully complete
2 a radiation safety course approved by the board.

3 (e) This section shall become operative on January 1, 2007.

4 SEC. 7. Section 1750.1 is added to the Business and
5 Professions Code, to read:

6 1750.1. (a) The practice of dental assisting does not include
7 any of the following procedures:

8 (1) Diagnosis and comprehensive treatment planning.

9 (2) Placing, finishing, or removing permanent restorations,
10 except as provided in Section 1753.1.

11 (3) Surgery or cutting on hard and soft tissue including, but not
12 limited to, the removal of teeth and the cutting and suturing of soft
13 tissue.

14 (4) Prescribing medication.

15 (5) Starting or adjusting local or general anesthesia or oral or
16 parenteral conscious sedation, except for the administration of
17 nitrous oxide and oxygen, whether administered alone or in
18 combination with each other and except as otherwise provided in
19 this article.

20 (b) This section shall become operative on January 1, 2007.

21 SEC. 8. Section 1750.2 is added to the Business and
22 Professions Code, to read:

23 1750.2. (a) The board shall license as a “registered
24 orthodontic assistant,” “registered surgery assistant,” or
25 “registered restorative assistant” any person who submits written
26 evidence of satisfactory completion of a course or courses
27 approved by the board pursuant to subdivision (b) that qualifies
28 him or her in one of these specialty areas of practice.

29 (b) The board shall adopt regulations for the approval of
30 postsecondary specialty registration programs in the specialty
31 areas specified in this section.

32 The regulations shall define the minimum education and
33 training requirements necessary to achieve proficiency in the
34 procedures authorized for each specialty registration, taking into
35 account the combinations of classroom and practical instruction,
36 clinical training, and supervised work experience that are most
37 likely to provide the greatest number of opportunities for
38 improving dental assisting skills efficiently.

39 (c) A person who holds a specialty registration pursuant to this
40 section shall be subject to the continuing education requirements

1 established by the board pursuant to Section 1645 and the renewal
2 requirements of Article 6 (commencing with Section 1900).

3 (d) This section shall become operative on January 1, 2007.

4 SEC. 9. Section 1750.3 is added to the Business and
5 Professions Code, to read:

6 1750.3. (a) A registered orthodontic assistant may perform
7 all of the following dental procedures, as well as those authorized
8 by board regulations adopted pursuant to Section 1751:

9 (1) Any duties that a dental assistant may perform.

10 (2) Placing and removing orthodontic separators.

11 (3) Placing and removing ligatures and arch wires.

12 (4) Taking orthodontic impressions.

13 (5) Sizing, fitting, adjusting, repositioning, curing in a
14 position approved by the supervising dentist, and removal of
15 orthodontic bands and brackets.

16 (6) Coronal polishing.

17 (7) Removing excess cement from supragingival surfaces of
18 teeth.

19 (8) Preparing teeth for bonding.

20 (9) Activating bleaching agents with nonlaser, light-curing
21 devices.

22 (10) Removal of excess cement from coronal surfaces of teeth
23 under orthodontic treatment by means of an ultrasonic scaler.

24 (b) A registered surgery assistant may perform the following
25 dental procedures, as well as those authorized by board regulations
26 adopted pursuant to Section 1751:

27 (1) Any duties that a dental assistant may perform.

28 (2) Monitoring of patients during the preoperative,
29 intraoperative, and postoperative phases, using noninvasive
30 instrumentation such as pulse oximeters, electrocardiograms, and
31 capnography.

32 (3) Taking impressions for surgical splints and occlusal guards.

33 (4) Placement and removal of surgical dressings and removal
34 of sutures.

35 (5) Adding medications to intravenous lines, in the presence of
36 a licensed dentist.

37 (6) Removal of intravenous lines.

38 (c) A registered restorative assistant may perform all of the
39 following dental procedures, as well as those authorized by board
40 regulations adopted pursuant to Section 1751:

1 (1) Any duties that a dental assistant may perform.

2 (2) Sizing, fitting, adjusting, intraorally fabricating,
3 temporarily cementing, and removing temporary crowns.

4 (3) Placing bases and liners on sound dentin.

5 (4) Removing excess cement from supragingival surfaces of
6 teeth.

7 (5) Taking facebow transfers and bite registrations for
8 diagnostic models for case study only.

9 (6) Taking impressions for space-maintaining appliances and
10 occlusal guards.

11 (7) Coronal polishing.

12 (8) Applying pit and fissure sealants.

13 (9) Placing and removing temporary restorations.

14 (10) Activating bleaching agents with nonlaser, light-curing
15 devices.

16 (d) The supervising dentist shall be responsible for determining
17 the level of supervision required for assistants registered pursuant
18 to this section.

19 (e) This section shall become operative on January 1, 2007.

20 SEC. 10. Section 1751 of the Business and Professions Code
21 is amended to read:

22 1751. (a) By September 15, 1993, the board, upon
23 recommendation of the committee, consistent with this article,
24 standards of good dental practice, and the health and welfare of
25 patients, shall adopt regulations relating to the functions that may
26 be performed by dental assistants under direct or general
27 supervision, and the settings within which dental assistants may
28 work. At least once every seven years thereafter, the board shall
29 review the list of functions performable by dental assistants, the
30 supervision level, and settings under which they may be
31 performed, and shall update the regulations as needed to keep them
32 current with the state of the practice.

33 (b) Under the supervision of a registered dental hygienist in
34 alternative practice, a dental assistant may perform intraoral
35 retraction and suctioning.

36 (c) This section shall become inoperative on December 31,
37 2006, and, as of January 1, 2007, is repealed, unless a later enacted
38 statute, that is enacted before January 1, 2007, deletes or extends
39 the dates on which it becomes inoperative and is repealed.

1 SEC. 11. Section 1751 is added to the Business and
2 Professions Code, to read:

3 1751. (a) The board, *upon recommendation of the*
4 *committee*, shall adopt regulations governing the procedures that
5 dental assistants, registered orthodontic assistants, registered
6 surgery assistants, registered restorative assistants, registered
7 dental assistants, registered restorative assistants in extended
8 functions, and registered dental assistants in extended functions
9 are authorized to perform consistent with *and necessary to*
10 *implement* the provisions of this article, and the settings within
11 which each may practice.

12 (b) The board shall conduct an initial review of the procedures,
13 supervision level, settings under which they may be performed,
14 and utilization of extended functions dental auxiliaries by January
15 1, 2011. The board shall submit the results of its review to the Joint
16 Committee on Boards, Commissions, and Consumer Protection.
17 After the initial review, a review shall be conducted at least once
18 every five to seven years thereafter and the board shall update
19 regulations as necessary to keep them current with the state of
20 dental practice.

21 (c) This section shall become operative on January 1, 2007.

22 SEC. 12. Section 1752 of the Business and Professions Code
23 is amended to read:

24 1752. (a) The supervising licensed dentist shall be
25 responsible for determining the competency of the dental assistant
26 to perform allowable functions.

27 (b) This section shall become inoperative on December 31,
28 2006, and, as of January 1, 2007, is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2007, deletes or extends
30 the dates on which it becomes inoperative and is repealed.

31 SEC. 13. Section 1752 is added to the Business and
32 Professions Code, to read:

33 1752. (a) A “registered dental assistant in extended
34 functions” is an individual licensed pursuant to this article who
35 may perform basic restorative services and direct patient care, as
36 authorized by Sections 1750, 1750.3, and 1753.1, and by the board
37 regulations adopted pursuant to Section 1751 under the
38 supervision of a licensed dentist.

39 (b) A “registered restorative assistant in extended functions”
40 is an individual licensed pursuant to this article who may perform

1 basic restorative services and direct patient care, as authorized by
2 Section 1750, subdivision (c) of Section 1750.3, and Section
3 1753.1, and by board regulations adopted pursuant to Section 1751
4 under the supervision of a licensed dentist.

5 (c) This section shall become operative on January 1, 2007.

6 SEC. 14. Section 1752.5 is added to the Business and
7 Professions Code, to read:

8 1752.5. (a) A person may apply for and be issued a license as
9 a Registered Dental Assistant upon providing evidence to the
10 board of one of the following:

11 (1) Successful completion of a board-approved educational
12 program in registered dental assisting.

13 (2) Successful completion of:

14 (A) Twelve months of satisfactory work experience as a dental
15 assistant in California or another state. The board shall give credit
16 toward the 12 months of work experience to persons who have
17 graduated from a dental assisting program in a postsecondary
18 institution, secondary institution, regional occupational center, or
19 regional occupation program that are not approved by the board.
20 The credit shall equal the total weeks spent in classroom training
21 and internship on a week-for-week basis not to exceed 16 weeks.

22 (B) The three board-approved specialty registration programs,
23 as defined in Section 1750.2, for registration as a registered
24 orthodontic assistant, registered surgery assistant, and registered
25 restorative assistant.

26 (C) A board-approved radiation safety program.

27 (b) A registered dental assistant may perform all duties and
28 procedures that a dental assistant, registered orthodontic assistant,
29 registered surgery assistant, and a registered restorative assistant
30 are allowed to perform, as well as those procedures authorized by
31 regulations adopted pursuant to Section 1751, except that a
32 registered dental assistant licensed on or before December 31,
33 2006, may only apply pit and fissure sealants if he or she has
34 provided evidence to the board of having completed a
35 board-approved course in the application of pit and fissure
36 sealants.

37 (c) The supervising dentist shall be responsible for determining
38 the level of supervision required for authorized procedures
39 performed by registered dental assistants.

40 (d) This section shall become operative on January 1, 2007.

1 SEC. 15. Section 1753 of the Business and Professions Code
2 is amended to read:

3 1753. (a) The board shall license as a registered dental
4 assistant a person who submits written evidence, satisfactory to the
5 board, of either one of the following requirements:

6 (1) Graduation from an educational program in dental assisting
7 approved by the board, and satisfactory performance on a written
8 examination required by the board. On and after January 1, 1984,
9 an applicant seeking licensure as a registered dental assistant
10 pursuant to this subdivision shall provide evidence of his or her
11 satisfactory performance on a written and practical examination
12 required by the board.

13 (2) Satisfactory work experience of more than 12 months as a
14 dental assistant in California or another state and satisfactory
15 performance on a written and practical examination required by
16 the board. The board shall give credit toward the 12 months work
17 experience referred to in this subdivision to persons who have
18 graduated from a dental assisting program in a postsecondary
19 institution approved by the Department of Education or in a
20 secondary institution, regional occupational center, or regional
21 occupational program, that are not, however, approved by the
22 board pursuant to subdivision (a). The credit shall equal the total
23 weeks spent in classroom training and internship on a
24 week-for-week basis not to exceed 16 weeks. The board, in
25 cooperation with the Superintendent of Public Instruction, shall
26 establish the minimum criteria for the curriculum of
27 nonboard-approved programs. Additionally, the board shall notify
28 those programs only if the program's curriculum does not meet
29 established minimum criteria, as established for board-approved
30 registered dental assistant programs, except any requirement that
31 the program be given in a postsecondary institution. Graduates of
32 programs not meeting established minimum criteria shall not
33 qualify for satisfactory work experience as defined by this section.

34 (b) This section shall become inoperative on December 31,
35 2006, and, as of January 1, 2007, is repealed, unless a later enacted
36 statute, that is enacted before January 1, 2007, deletes or extends
37 the dates on which it becomes inoperative and is repealed.

38 SEC. 16. Section 1753 is added to the Business and
39 Professions Code, to read:

1 1753. (a) The board shall license as a registered dental
2 assistant in extended functions a person who submits written
3 evidence, satisfactory to the board, of all of the following:

4 (1) Current licensure as a registered dental assistant, or
5 completion of the requirements for licensure as a registered dental
6 assistant, as provided in Section 1752.5.

7 (2) Successful completion of an extended functions
8 postsecondary program approved by the board in all of the
9 procedures specified in Section 1753.1.

10 (3) Successful completion of board-approved courses in
11 radiation safety and, within the last two years, courses in infection
12 control, California dental law, and basic life support.

13 (4) Satisfactory performance on a written examination and a
14 clinical or practical examination specified by the board.

15 (b) The board shall license as a registered restorative assistant
16 in extended functions a person who submits written evidence,
17 satisfactory to the board, of all of the following:

18 (1) Completion of 12 months of satisfactory work experience
19 as a dental assistant in California or another state. The board shall
20 give credit toward the 12 months of work experience to persons
21 who have graduated from a dental assisting program in a
22 postsecondary institution, secondary institution, regional
23 occupational center, or regional occupation program that are not
24 approved by the board. The credit shall equal the total weeks spent
25 in classroom training and internship on a week-for-week basis, not
26 to exceed 16 weeks.

27 (2) Successful completion of a board-approved course in
28 radiation safety, and, within the last two years, courses in infection
29 control, California dental law, and basic life support.

30 (3) Successful completion of a postsecondary program
31 approved by the board for restorative dental assisting specialty
32 registration specified in subdivision (c) of Section 1750.3.

33 (4) Successful completion of an extended functions
34 postsecondary program approved by the board in all of the
35 procedures specified in Section 1753.1.

36 (5) Satisfactory performance on a written examination and a
37 clinical or practical examination specified by the board.

38 (c) In approving extended functions postsecondary programs
39 required to be completed for licensure pursuant to this section, the
40 board shall require that the programs be taught by persons having

1 prior experience teaching the applicable procedures specified in
2 Section 1753.1, or procedures otherwise authorized by the board
3 pursuant to Section 1751, in a dental school approved either by the
4 Commission on Dental Accreditation or a comparable
5 organization approved by the board. Approved programs shall
6 include didactic, laboratory, and clinical modalities.

7 (d) This section shall become operative on January 1, 2007.

8 SEC. 17. Section 1753.1 is added to the Business and
9 Professions Code, to read:

10 1753.1. (a) A registered dental assistant in extended
11 functions is authorized to perform the following procedures under
12 direct supervision and pursuant to the order, control, and full
13 professional responsibility of a licensed dentist:

14 (1) Cord retraction of gingivae for impression procedures.

15 (2) Taking impressions for cast restorations.

16 (3) Formulating indirect patterns for endodontic post and core
17 castings.

18 (4) Fitting trial endodontic filling points.

19 (5) Drying canals previously opened by the supervising dentist,
20 with absorbent points.

21 (6) Testing pulp vitality.

22 (7) Removing excess cement from subgingival tooth surfaces
23 with a hand instrument.

24 (8) Fitting and cementing stainless steel crowns.

25 (9) Placing, condensing, and carving amalgam restorations.

26 (10) Placing class I, III, and V composite restorations.

27 (11) Taking facebow transfers and bite registrations for fixed
28 prostheses.

29 (12) Taking final impressions for tooth-borne, removable
30 prostheses.

31 (13) Placing and adjusting permanent crowns for cementation
32 by the dentist.

33 (14) Applying etchants for bonding restorative materials.

34 (15) Other procedures authorized by regulations adopted by the
35 board pursuant to Section 1751.

36 (b) All procedures required to be performed under direct
37 supervision shall be checked and approved by the supervising
38 dentist prior to the patient's dismissal from the office.

39 (c) This section shall become operative on January 1, 2007.

1 SEC. 18. Section 1753.5 of the Business and Professions
2 Code is amended to read:

3 1753.5. (a) In addition to the requirements of Section 1753,
4 an applicant for registered dental assistant licensure on or after
5 July 1, 2002, shall provide evidence of having successfully
6 completed board-approved courses in radiation safety and coronal
7 polishing as a condition of licensure. The length and content of the
8 courses shall be governed by applicable board regulations.

9 (b) This section shall become inoperative on December 31,
10 2006, and, as of January 1, 2007, is repealed, unless a later enacted
11 statute, that is enacted before January 1, 2007, deletes or extends
12 the dates on which it becomes inoperative and is repealed.

13 SEC. 19. Section 1754 of the Business and Professions Code
14 is amended to read:

15 1754. (a) By September 15, 1993, the board, upon
16 recommendation of the committee and consistent with this article,
17 standards of good dental practice, and the health and welfare of
18 patients, shall adopt regulations relating to the functions which
19 may be performed by registered dental assistants under direct or
20 general supervision, and the settings within which registered
21 dental assistants may work. At least once every seven years
22 thereafter, the board shall review the list of functions performable
23 by registered dental assistants, the supervision level, and settings
24 under which they may be performed, and shall update the
25 regulations as needed to keep them current with the state of the
26 practice.

27 (b) This section shall become inoperative on December 31,
28 2006, and, as of January 1, 2007, is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2007, deletes or extends
30 the dates on which it becomes inoperative and is repealed.

31 SEC. 20. Section 1756 of the Business and Professions Code
32 is amended to read:

33 1756. (a) The board shall license as a registered dental
34 assistant in extended functions a person who satisfies all of the
35 following requirements:

36 (1) Status as a registered dental assistant.

37 (2) Completion of clinical training approved by the board in a
38 facility affiliated with a dental school under the direct supervision
39 of the dental school faculty.

1 (3) Satisfactory performance on an examination required by
2 the board.

3 (b) This section shall become inoperative on December 31,
4 2006, and, as of January 1, 2007, is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2007, deletes or extends
6 the dates on which it becomes inoperative and is repealed.

7 SEC. 21. Section 1757 of the Business and Professions Code
8 is repealed.

9 SEC. 22. Section 1757 is added to the Business and
10 Professions Code, to read:

11 1757. (a) Each person who holds a license as a registered
12 dental assistant in extended functions on the effective date of this
13 section may only perform those procedures that a registered dental
14 assistant is allowed to perform, and the procedures listed in
15 paragraphs (1), (2), (3), (4), (7), and (14) of subdivision (a) of
16 Section 1753.1, until he or she provides evidence of having
17 completed a board-approved course or courses in the additional
18 functions specified in Section 1753.1, and an examination in the
19 additional functions as specified by the board.

20 (b) This section shall become operative on January 1, 2007.

21 SEC. 23. Section 1770 of the Business and Professions Code
22 is amended to read:

23 1770. (a) A licensed dentist may simultaneously utilize in his
24 or her practice no more than two dental auxiliaries in extended
25 functions licensed pursuant to Sections 1756 and 1768.

26 (b) This section shall become inoperative on December 31,
27 2006, and, as of January 1, 2007, is repealed, unless a later enacted
28 statute, that is enacted before January 1, 2007, deletes or extends
29 the dates on which it becomes inoperative and is repealed.

30 SEC. 24. Section 1770 is added to the Business and
31 Professions Code, to read:

32 1770. (a) A licensed dentist may simultaneously utilize in his
33 or her practice no more than three dental auxiliaries in extended
34 functions licensed pursuant to Sections 1753 and 1768.

35 (b) This section shall become operative on January 1, 2007.

36 SEC. 25. Section 1777 is added to the Business and
37 Professions Code, to read:

38 1777. While employed by or practicing in a primary care
39 clinic or specialty clinic licensed pursuant to Section 1204 of the
40 Health and Safety Code, in a primary care clinic exempt from

1 licensure pursuant to subdivision (c) of Section 1206 of the Health
2 and Safety Code, or a clinic owned and operated by a hospital that
3 maintains the primary contract with a county government to fill the
4 county's role under Section 17000 of the Welfare and Institutions
5 Code, a registered dental assistant or a registered dental assistant
6 in extended functions may perform the following procedures
7 under the direct supervision of a registered dental hygienist, ~~after~~
8 ~~examination and diagnosis by a licensed dentist~~; *pursuant to*
9 *subdivision (b) of Section 1763:*

10 (a) Coronal polishing, after providing evidence to the board of
11 having completed a board-approved course in ~~such~~ *that* procedure.

12 (b) Application of topical fluoride.

13 (c) Application of sealants, after providing evidence to the
14 board of having completed a board-approved course in ~~such~~ *that*
15 procedure.

